IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 4933 of 1994

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

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SHYAMSUNDAR DEVCHAND — Petitioner
Versus
D S P & 1 - Respondents

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Appearance :
MR MC BAROT for Petitioner(s) : 1,
GOVERNMENT PLEADER for Respondent(s) : 1,
RULE SERVED for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 17/03/2006

ORAL JUDGMENT

1. The petitioner has filed this petition under Article 226 of the Constitution of India praying for quashing and setting aside the order dated 29.3.1994, whereby the petitioner was reverted to the post of Head Constable.

2. It is the case of the petitioner that the petitioner joined the police department in the year 1959. On 14.10.1959 the petitioner was appointed as Police Constable and on 1.1.1964 the petitioner became Head Constable. On 16.3.1993 the petitioner was selected as PSI by an order dated 16.3.1993. The petitioner was appointed as PSI purely on temporary basis in the grade of Rs.1640/- - Rs.2900/-. The said promotion was given to the petitioner on condition that as and when the post of PSI was filled in by regular recruitment the petitioner has to be reverted. The petitioner was

thereafter reverted from the post of PSI to Head Constable vide order dated 29.3.1994 and this order is challenged in the present petition.

3. The petition was admitted and rule was issued on 5.4.1994. No interim relief was granted. On the contrary by specific order dated 1.4.1995 interim relief was refused. The order of reversion is implemented and it is in force till this date. Since the petitioner has joined service in 1959, by all probabilities the petitioner might have retired by this time. The petition would therefore not survive. Even on merits also there is no case to interfere in the matter, as the promotion was given to the petitioner purely on temporary basis and that too on condition that when the post is filled in by regular recruitment, the petitioner has to be reverted.

4. Considering the above facts, the Court does not find any substance in the petition. Since the present status of the petitioner was not known to Mr. Barot, learned advocate appearing for the petitioner, liberty is reserved to apply in case of difficulty.

5. Subject to the aforesaid observation, this petition is dismissed. Rule is discharged without any order as to costs.

(K. A. PUJ, J.)

kks